

### **REMARKS**

Claims 1-28 were previously presented for examination. In the Official Action of August 4, 2005, claims 1-28 were rejected. Additionally, a drawing requirement was issued and a new title was required.

Applicant, in response, amends claims 1, 11 and 23, cancels claims 17 and 18, and requests reconsideration. In addition, the title of the invention is amended above.

#### **Objections to the Drawings**

With respect to the drawings, it appears that the Examiner has examined the application based on the informal drawings filed with the application on November 26, 2003. However, formal drawings were filed on April 26, 2004. The Examiner is requested to consult the Office files inasmuch as the Image File Wrapper contains those drawings. Therefore, it is requested that the drawing requirement be rescinded.

#### **Double Patenting Rejection**

Claims 1-16 and 19-28 have been rejected for obviousness-type double patenting over claims 1-28 of U.S. Patent 6,681,332 B1. In response, a Terminal Disclaimer is submitted herewith, mooted the rejection.

Claims 1-28 have been rejected as unpatentable due to obviousness over Schreiber et al '219 in view of Suzuki '795. Reconsideration is requested. Briefly (and without intending to recast or affect the scope of any claim), claims 1-26, in general, incorporate a feature that the subject device can be placed in a selected mode of operation by toggling the logic state of the device select signal within a first user-controlled time window, with the duration of that user-controlled time window determining at least in part the selected mode of operation of the device. For example, depending on the duration of the user-controlled time window, the device may be placed in power up, partially powered down, fully powered down, or daisy chain mode. This feature enables a user to program one of a number of distinct modes of operation through the

device interface without a significant alteration in the main function of the signals required for reading data out of the device. By contrast, the operation of the ADC of Schreiber is very different from that of the ADC of the present invention. In particular, as noted by the Examiner, Schreiber does not disclose that the time window for returning the device select signal to the first logic state is controlled by the user. The Examiner therefore turns to Suzuki. He asserts that Suzuki teaches an ADC with a mode selection section and a control section for controlling ADC operation based on the respective mode. According to the Official Action, it breaks the current path during a standby mode and the duration is specified from outside of the system, which is interpreted as providing user control. This is a misunderstanding of either Suzuki or the claim. Suzuki discloses an ADC which includes a standby mode of operation. Here we agree with the Examiner. However, in Suzuki, the device *automatically* switches to power down (standby) mode at the end of a conversion (see column 3, lines 26-30). Therefore, we disagree with the Examiner's conclusion. Suzuki does *not* provide a user-controllable selection of the mode of operation of the device. The only user controllable feature of Suzuki is the duration of the length of time that the device is to be maintained in standby mode. This is determined by a value which may be written to the control register. See column 4, lines 34-46. However, controlling the duration of time that the device is to be maintained in standby mode is not the same as controlling the selection of that or any other mode itself. The mode selection is not under user control. Consequently, the Examiner has misread Suzuki.

Based on a correct understanding of Schreiber and Suzuki, it will now be clear that there is no way that the combination of Suzuki with Schreiber would result in a device which enables a user to select the mode of operation of the device. As explained above, the user controllability of Suzuki only provides control of the *duration* of the standby mode, rather than the selection of *which* mode the device is to enter. Therefore, without even addressing whether the Examiner has established a proper motivation for combining the references (which Applicant would contest), it is quite clear that were such a combination to be made, one would not arrive at the claimed invention. Separate, inventive input would be necessary in order to realize any modification of Suzuki from providing a simple user programmable time period for standby mode to providing a user-controlled time window *that determines the selected mode of operation of the device*.

Consequently, neither Schreiber nor Suzuki, alone or in combination, teach, suggest or make obvious the subject matter of remaining claims 1-16 and 19-26. Accordingly, the rejection should be withdrawn.

Relative to claims 27 and 28, the Office Action states on page 10, in paragraph 35, that Schreiber discloses that the control circuitry places the plurality of integrated circuits into a daisy chain mode in response to a number of logic state transitions of the serial clock input signal occurring between logic state transitions of the device select signal. However, from Applicant's review of the text cited by the Examiner, there does not appear to be any disclosure of a device select signal. Additionally, for reasons analogous to those set forth above with respect to claims 1-16 and 19-26, the features of claims 27 and 28 are not obvious in light of the combined disclosures of the references, as Suzuki does not disclose enabling the user to select the mode of operation of the device. Consequently, the subject matter of claim 27 is not rendered obvious by the cited references. A similar observation applies in relation to the Examiner's assertion in paragraph 36, beginning on page 11, relative to claim 28. Again, Schreiber does not appear to disclose the use of a device select signal and Suzuki does not disclose a user-controllable selection of the mode of operation of the device. Consequently, for at least these reasons, the subject matter of claim 27 and 28 is non-obvious and allowable over the references of record. The rejection of claim 28 therefore should be withdrawn.

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- 12 -

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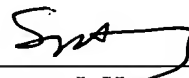
**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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